IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 4618 (M/S) of 2001

(Old No. 10606 of 1987)

Minhaz-ul-Hq Ansari (minor) S/o Noorul
Haq Ansari, under the gurardianship of Noorul
Haq Ansari, R/o 1/107 New Market, Vikas Nagar,
District- Dehradun. .....Petitioner

Vs

1. Additional District Judge, Dehradun.
2. Shashi Ram Jain W/o Satish Jain,
R/o New Jain Market, Vikas Nagar, Dehradun. ...Respondents

Sri Sharad Sharma learned counsel for the petitioner.
Sri P.S. Rawat learned counsel for the respondent No.2.
Sri R.C. Arya learned Standing counsel for the respondent No.1

Dated:- 05-09-2006

Hon'ble B.S. Verma, J.

Heard Sri Sharad Sharma learned counsel for the petitioner, Sri P.S. Rawat learned counsel for the respondent No.2 and Sri R.C. Arya learned Standing counsel for the respondent No.1.

2. The present writ petition has been file praying for the issue of a writ, order or direction in the nature of certiorari quashing the order dated 22-4-1987 (Annexure-4) passed by Additional District Judge, Dehradun in revision No.255 of 1985 Shashi Bala Jain Vs. Minhazul Haq Ansari.

3. Brief facts of the case are that the revision was filed under Section 115 of C.P.C. against the order dated 8-11-1985 passed in Misc. Case No.118 of 1983 Minhazul Haq Ansari Vs. Shashi Bala Jain by the learned Munsif, Dehradun whereby the application of the petitioner tenant for permission to deposit the rent in the Court under Section 30 of the U.P. Act No.13 of 1972 was allowed. District Judger, Dehradun after hearing the said revision No.255 of 1985 Smt. Shashi Bala Jain Vs. Sri

Minhazul Haq Ansari allowed the revision on the ground that the act of 13 of 1972 is not applicable to the tenement. Aggrieved by the order of the revision, the present writ petition has been filed by the petitioner/tenant.

4. Learned counsel for the petitioner has stated that the amount deposited under Section 30 of U.P. Act No. 13 of 1972 has not been adjusted in S.C.C. suit, which was filed by respondent under Section 15 of the Small Cause Court's Act against the tenant.

5. Learned counsel for the respondent has no objection to this prayer that the amount may be refunded to the petitioner, which was deposited under Section 30 of U.P.Act No.13 of 1972.

6. With the direction that the petitioner is entitled to withdraw the amount deposited by him in Misc. Case No.118 of 1993 Sri Minhazul Haq Ansari Vs. Srimati Shashi Bala Jain. The writ petition is disposed of finally. No order as to coasts.

(B.S. Verma,J)

Dated: 05-09-2006
M.K.